

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

Harborview Marina, LLC
Plaintiff

Civil Action No. L 02 CV 2799

v.

M/V KOKOMO,

Defendant in rem.

* * * * *

**UNOPPOSED, JOINT, EXPEDITED MOTION FOR
CONFIRMATION OF SALE OF VESSEL**

Plaintiff Harborview Marina and Claimant Mark Clark¹ - the only parties to this action - hereby jointly move this Court, to grant this motion on an expedited basis.

By their stipulation which is Exhibit A hereto, the parties have stipulated to the sale of the Vessel, and then to a procedure for determining distribution of the proceeds.

The parties' agreement, in part, turns on this Court's confirmation of the sale, not later than March 27, 2003. This is to put an end-point, on custodial fees, running at \$143 per day, owed to Harborview Marina.

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¹ Harborview Marina and Mark Clark are the only parties in personam to this action, and the only other party, M/V KOKOMO ("Vessel"), in rem, in default, no claim having been made to the Vessel.

The parties therefore respectfully request that this Court grant this motion, on an expedited basis, and enter the draft order, confirming the sale, which is herewith.

Dated: March 20, 2003.

/s/ J. Stephen Simms

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Mark Clark's Counsel

EXHIBIT A

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Plaintiff

Civil Action No. L 02 CV 2799

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* * * * *

STIPULATION FOR CONFIRMATION OF SALE OF VESSEL

Plaintiff Harborview Marina and Claimant Mark Clark, the only parties in personam to this action, and the only other party, M/V KOKOMO (“Vessel”), in rem, in default, no claim having been made to the Vessel, hereby stipulate as follows:

Sale of Vessel; Confirmation of Sale

1. The M/V KOKOMO (“Vessel”) shall be sold to Eric Winson, or an entity which Mr. Winson owns or controls, for USD \$65,000, as follows:
 - a. **Wire of \$65,000:** Mr. Winson , or an entity which Mr. Winson owns or controls, shall wire \$65,000 to the client trust account of Harborview counsel, for receipt on or before Friday, March 28, 2003.
 - b. **Confirmation of Sale:** The parties shall jointly move for confirmation of this sale to Mr. Winson, on an expedited basis, contemporaneous with their execution of this Stipulation.
 - c. **Transfer of Title:** Upon full receipt of funds, and confirmation of sale by the Court, the parties will notify the U.S. Marshal, who will issue Mr. Winson, or the entity which Mr. Winson owns or controls, title documents for the Vessel.

- d. **Time Limit on this Confirmation of Sale:** In the event that the Court does not confirm the sale of the Vessel, on or before March 27, 2003, unless Harborview Marina and Mark Clark otherwise agree in writing, this Stipulation shall be null and void, Harborview and Mark Clark then shall withdraw their motion for confirmation of sale, and Harborview Marina counsel shall then, at the request of Mr. Winson, return the \$65,000 deposited with Harborview Marina counsel.

Distribution of Proceeds

2. Of the proceeds, Harborview Marina shall receive \$42,000, and Mr. Clark shall receive \$23,000, in full and complete satisfaction of their claims against the Vessel.

Stipulation of Dismissal

3. On distribution of the proceeds, and after confirmation of sale, Harborview Marina and Mr. Clark stipulate to the dismissal of this action with prejudice, each to bear its, or his own respective costs and attorneys fees.

Dated: March 20, 2003.

/s/ J. Stephen Simms
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